

The Department of Community Planning & Development
City Hall, Lynchburg, VA 24504 434-455-3900

To: Planning Commission

From: Planning Division

Date: June 9, 2004

Re: **CONDITIONAL USE PERMIT (CUP):** for Palmer Woods, a Planned Unit Development (PUD) by Thomas Brooks, Sr., at 101 Palmer Drive

I. PETITIONER

Thomas Brooks, Sr., Acres of Virginia, Inc., 404 Clay Street, Lynchburg, VA 25404

Representative: Thomas Brooks, Sr., 404 Clay Street, Lynchburg, VA 24504

II. LOCATION

The subject property is a tract of about 5.820 acres located at 101 Palmer Drive.

Property Owners: Donald C. Rapp, Inc., 1820 Old Forest Rd., Lynchburg, VA 24501

III. PURPOSE

The purpose of this petition is to allow a Planned Unit Development (PUD) at 101 Palmer Drive. The PUD will be an 18-unit subdivision of single-family homes with a common area.

IV. SUMMARY

- Petition agrees with the Comprehensive Plan which recommends Low Density Residential land uses in this area.
- Petition agrees with the Zoning Ordinance in that the property is zoned R-1, Single-Family Residential.
- Petition proposes the use of the property as a PUD, including 18 single-family homes and common areas.

The Planning Division recommends approval of the CUP petition.

V. FINDINGS OF FACT

1. **Comprehensive Plan.** The Lynchburg *Comprehensive Plan* recommends Low Density Residential land uses throughout this area. The proposed Planned Unit Development will support this land use designation.
2. **Zoning.** The subject property was annexed into the City in 1976. The existing R-1, Single-Family Residential zoning was established in 1978 with the adoption of the current *Zoning Ordinance*.
3. **Board of Zoning Appeals (BZA).** The Zoning Official has determined that no variances will be needed for the proposed residential subdivision.

4. **Surrounding Area.** There has been one item requiring City Council approval in the immediate area:
 - 11/11/1997: City Council approved a CUP for a master development plan to allow construction of a church and related facilities in the 600 block of Leesville Road.
 5. **Site Description.** The subject property is bounded to the north, south, east and west by single-family residential uses.
 6. **Proposed Use of Property.** The purpose of the CUP is to allow construction of an 18-unit residential subdivision in the form of a Planned Unit Development (PUD).
 7. **Traffic and Parking.** The City Traffic Engineer has no comments of concern regarding the subject petition. The proposed use is not expected to generate a significant amount of traffic.
 8. **Storm Water Management.** Development of the subject property will result in an increase in impervious area. The stormwater/sediment (quantity) from this site will be sent to a sediment basin through diversion ditches with check dams. Floc logs will be used in the diversion ditches below the check dams to treat the stormwater for quality. The stormwater from this project will be channeled into an existing creek shown on the west side of the project. A determination has been made through field observations and preliminary calculations that the creek is adequate to handle additional runoff from this project.
 9. **Impact.** The owner of the subject property wishes to develop it as a subdivision of single-family homes, similar to other subdivisions in the immediate area. The PUD allows the homes to be clustered on smaller lots than would normally be permitted in an R-1 zoning district. Provision of smaller lots allows for common areas to remain undisturbed. Completion of the subdivision will benefit the surrounding neighborhood by providing market-rate homes and eliminating one spot that has been subject to illegal dumping of construction and other materials.
 10. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the preliminary site plan on March 23, 2004. At that time, the applicant had submitted a petition to rezone the subject property. The Planning Division recommended that the subdivision be developed in the form of a PUD and that, instead of applying to rezone the property, the applicant petition for a CUP to allow the PUD. The applicant has complied with this request. The City Traffic Engineer has requested that plans for the roadway be submitted and reviewed separately from the Technical Review Committee (TRC) process, so the Traffic Engineer's comments are not included here. Other comments related to the proposed use were minor in nature and have or will be addressed by the developer prior to final site plan approval.
 11. **Conditions.** According to Section 35.1-15 (f) of the Zoning Ordinance, the Planning Commission or City Council may impose any conditions deemed necessary or appropriate in approving a CUP.
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VI. PLANNING DIVISION RECOMMENDATION

Based on the preceding Findings of Fact, the Planning Commission recommends to the City Council approval of the petition of Thomas Brooks, Sr., for a conditional use permit at 101 Palmer Drive to allow construction of a PUD, including an 18-unit residential subdivision with common areas subject to the following conditions:

- 1. The property will be developed in substantial compliance with the site plan prepared by Acres of Virginia, Inc. dated May 17, 2004.**
- 2. The buildings will meet all building code requirements as determined by the Inspections Division.**
- 3. The interior streets will be constructed to City of Lynchburg standards, as determined by the City Traffic Engineer.**
- 4. Common areas shown on the site plan will remain undisturbed, except for construction of a trail through the common area around the perimeter of the development. The trail shall be designed so as not to disturb any mature trees.**

This matter is respectfully offered for your consideration.

William T. Martin, AICP
City Planner

pc: Mr. L. Kimball Payne, III, City Manager
Mr. Walter C. Erwin, City Attorney
Ms. Rachel O. Flynn, Director of Community Planning & Development
Mr. Bruce A. McNabb, Director of Public Works
Mr. R. Douglas Dejarnette, Fire Marshal
Ms. Judith C. Wiegand, AICP, Senior Planner
Mr. J. Lee Newland, Director of Engineering
Mr. Gerry L. Harter, Traffic Engineer
Mr. Robert Drane, Building Commissioner
Mr. Arthur L. Tolley, Zoning Official
Mr. Robert S. Fowler, Zoning Official
Mr. Kent White, Environmental Planner
Mr. Thomas Brooks, Sr., Petitioner/Representative

VII. ATTACHMENTS

- 1. Vicinity Zoning Pattern**
(see attached map)
- 2. Vicinity Proposed Land Use**

(see attached map)

3. Site Plan

(see attached site plans)